

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

EDWARD A. GIVEN,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 05-11663-NMG
)	
ROBERT MURPHY,)	
)	
Respondent.)	
)	

**RESPONDENT ROBERT MURPHY'S UNOPPOSED MOTION
TO IMPOUND SUPPLEMENTAL ANSWER AND STATE-COURT TRANSCRIPTS**

Pursuant to Local Rule 7.2, Respondent Robert Murphy hereby moves the Court to impound his Supplemental Answer and the trial transcripts from the petitioner's civil commitment hearing.¹ In support of this motion, Respondent states as follows:

1. In this habeas corpus proceeding, the petitioner challenges his civil commitment as a "sexually dangerous person" pursuant to Mass. Gen. Laws c. 123A based on several alleged constitutional errors at his 2001 commitment hearing.
2. At the hearing, evidence was presented relating to the petitioner's prior convictions for sexual offenses—including the names of one or more child victims of those offenses. Similarly, Respondent's Supplemental Answer—which contains the briefs from the petitioner's state-court appeal—also includes the name of one or more child victims of sexual offenses.
3. In order to prevent disclosure of these victims' names or other identifying information, Respondent respectfully requests that the Court impound the materials containing

¹ Consistent with Local Rule 7.2(d), Respondent will await a ruling on this motion "prior to [submitting] the actual material sought be impounded."

such information, namely Respondent's Supplemental Answer and the transcripts from the petitioner's commitment hearing. Respondent notes such information was impounded in the petitioner's state-court appeal, pursuant to Mass. Gen. Laws c. 265, § 24C, which requires that the names of victims of sexual offenses appearing in court records be kept confidential.

4. David B. Hirsch, counsel for the petitioner in this matter, does not oppose this motion.

Respectfully submitted,

ROBERT MURPHY,

By his attorney,

THOMAS F. REILLY
ATTORNEY GENERAL

/s/ Scott A. Katz
Scott A. Katz (BBO # 655681)
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Dated: September 1, 2006

LOCAL RULE 7.1(A)(2) CERTIFICATION

I hereby certify that I have conferred in good faith with David B. Hirsch, counsel for Petitioner Edward A. Given in this matter, and he does not oppose this motion.

/s/ Scott A. Katz
Scott A. Katz

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), including David B. Hirsch, counsel for Petitioner Edward A. Given in this matter.

/s/ Scott A. Katz
Scott A. Katz